

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : :

- against - : :

ORDER

JOHNNY MARTINEZ, : :

99-CR-1048-4 (DC)

20-CV-2723

Defendant. : :

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CHIN, Circuit Judge:

On March 11, 2020, the Second Circuit granted defendant Johnny Martinez's motion for leave to file a successive 28 U.S.C. § 2255 motion, challenging his 18 U.S.C. § 924(c) conviction predicated on conspiracy to commit murder based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and *United States v. Davis*, 139 S. Ct. 2319 (2019). Dkt. No. 205. On April 1, 2020, I directed the Clerk of Court to open a new civil action and docket in that case Martinez's successive § 2255 petition that was attached to the circuit court's March 11 Mandate. Dkt. No. 206. I further ordered that "[w]ithin thirty days of the date of Martinez's submission, the United States Attorney's Office for the Southern District of New York shall file an answer or other pleading in response to the motion" and that "Martinez shall have thirty days from the date on which he is served with the government's answer to file a response." Dkt. No. 206. Martinez's successive § 2255 petition was docketed on April 1, 2020, but the Government never responded. Accordingly, it is hereby ORDERED as follows:

(1) The Government shall respond to the motion by Monday, March 1, 2021; and

(2) If Mr. Martinez wishes to submit reply papers, he shall do so by Monday, March, 29, 2021.

The Clerk of Court is directed to mail a copy of this Order to Mr. Martinez and to the Government at the addresses listed below.

SO ORDERED.

Dated: New York, New York
February 9, 2021

/s/ Denny Chin
DENNY CHIN
United States Circuit Judge
Sitting by Designation

To: Johnny Martinez
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